



**RESOLUTION OF THE GOVERNING BODY OF THE  
THREE AFFILIATED TRIBES OF THE  
FORT BERTHOLD INDIAN RESERVATION**

**A Resolution entitled, “Consent to Approval to Modify Right-of-Way No. FBOG100717 Requested by Marathon Oil Company to Add Two (2) Additional Wells to the Clara USA Well Pad.”**

**WHEREAS,** This Mandan Hidatsa and Arikara Nation (the "MHA Nation"), having accepted the Indian Reorganization Act of June 18, 1934 and the authority under said Act, and having adopted a Constitution and By-laws under said Act, and

**WHEREAS,** Pursuant to Article III, Section 1 of its Constitution and By-Laws, the Tribal Business Council is the governing body of the MHA Nation; and

**WHEREAS,** Pursuant to Article VI, Section 5(1) of said Constitution, the Tribal Business Council has the power to adopt resolutions regulating the procedures of the Tribal Council, its Agencies and Officials; and

**WHEREAS,** The Tribal Business Council has authority to engage in activities on behalf of and for the welfare and benefit of the Tribes and of the enrolled members thereof; and

**WHEREAS,** Article IX Sections 1 and 3 of the Constitution provides that the Tribal Business Council has the authority to manage and lease or otherwise deal with tribal lands and resources; and

**WHEREAS,** Leases and Rights-of-Way (“ROWS”) across Tribal Trust land require the consent of the Tribal Business Council pursuant to federal and Tribal Law; and

**WHEREAS,** Applications for Rights-of-Way (“ROWS”) on Tribal Land are subject to the requirements of tribal law, including Resolution No. 13-109-VJB (Establishment of the Three Affiliated Tribes Standardized Minimum Rates for Oil and Gas Lease Bonus, Royalties and Road and Pipeline Easements), Resolution No. 14-071-VJB (MHA Nation Application for Rights-of-Way and Use of Right-of-Way), Resolution No. 14-089-VJB (MHA Nation Pipeline Right-of-Way Terms and Conditions), and Resolution No. 15-045-LKH (Establishing a Procedure for the Approval of Leases, Rights-of-Way, Setback Variances and Permissions to Survey on Tribal Land); and

**WHEREAS,** On February 26, 2013, the Bureau of Indian Affairs granted Marathon Oil Company (“Marathon”) a ROW (No. FBOG100717) for a two well pad located on tribal tract tribal tract, T2195, with 100% Tribal Interest, in Section 22,



**Resolution No. 16-221-LKH**

Township 151 North, Range 94 West, McKenzie County, North Dakota; 2.45 acres' access road and 6.16 acres of well pad disturbance; and

**WHEREAS,** Marathon submitted an application to add two (2) additional wells to ROW No. FBOG100717, without adding any additional disturbance on tribal tract T2195, with 100% Tribal Interest, located in Section 22, Township 151 North, Range 94 West, McKenzie County, North Dakota; and

**WHEREAS,** The current ROW application, submitted by Marathon for the Clara USA Well Pad Modification, described herein, has been reviewed and recommended for approval by the MHA Natural Resources Department and the MHA Nation Energy Division in accordance with the MHA Nation's approved procedure for authorizing ROWs on Tribal Land; and

**WHEREAS,** The projected compensation to the MHA Nation for this ROW application is \$10,000.00.

**WHEREAS,** On August 31, 2016, at a duly held meeting of the Natural Resources Committee ("NRC"), the MHA Nation Energy Division recommended for approval Marathon's application to modify ROW No. FBOG100717 to add two additional wells for the Clara USA Well Pad, without adding any additional disturbance, and the NRC approved Marathon's application and forwarded it to the Tribal Business Council for final approval.

**NOW THEREFORE BE IT RESOLVED,** Subject to Marathon Oil Company's agreement to the execution of the MHA Right-of-Way Application Terms and Conditions, as listed therein, the Tribal Business Council hereby approves Marathon Oil Company's ROW application, attached as Exhibit A, and ROW consent, to modify ROW No. FBOG100717 to add two additional wells with no additional disturbance to the Clara USA Well Pad, located on tribal tract T2195, with 100% Tribal Interest, in Section 22, Township 151 North, Range 94 West, McKenzie County, North Dakota.

**BE IT FINALLY RESOLVED,** that the Chairman is hereby to take such further actions as are necessary to carry out the terms and intent of this Resolution.



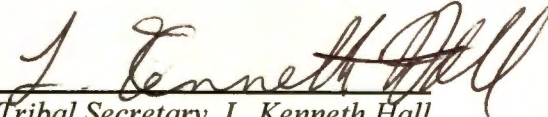
**CERTIFICATION**

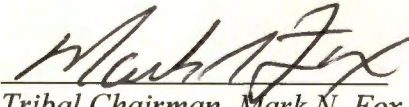
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 22<sup>nd</sup> day of September 2016; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 6 members, 0 members opposed, 0 members abstained, 1 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman [ X ] voting. [ ] not voting.

Dated this 22<sup>nd</sup> day of September 2016.

**ATTEST:**

  
Tribal Secretary, L. Kenneth Hall  
Tribal Business Council  
Three Affiliated Tribes

  
Tribal Chairman, Mark N. Fox  
Tribal Business Council  
Three Affiliated Tribes

